IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.82 OF 2006

Navnath U. Chavan ...Petitioner
Versus
Ratan Khairmode & Ors. ...Respondents

Shri Valsangkar with Shri Pankaj Das for the Petitioner.

CORAM : S.C. DHARMADHIKARI, J.
DATE : JANUARY 16, 2006.

P.C.:

1. Heard Shri Valsangkar learned Counsel appearing for the petitioner. In my view, the Courts below have not committed any error while refusing to direct, either maintaining the status-quo or a temporary injunction, when the petitioner has no right to the property i.e. the shop premises. The Courts below have found that they have been allotted by the Standing Committee of the Municipal Corporation to the first-respondent. The action in allotting the same allegedly without calling for public tenders is something which will have to be tested when the Suit is being tried and disposed of. Neither the orders passed nor the observations therein would take away the right of the petitioner to produce such material as is permissible in law to substantiate his pleas and averments in the plaint. Petition dismissed.

(S.C.DHARMADHIKARI,J.)